

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

FRED HANEY, MARSHA MERRILL,
SYLVIA RAUSCH, STEPHEN SWENSON,
and ALAN WOOTEN, individually, and on
behalf of all others similarly situated,

Plaintiffs,

v.

GENWORTH LIFE INSURANCE
COMPANY and GENWORTH LIFE
INSURANCE COMPANY OF NEW
YORK,

Defendants.

Civil Action No.: 3:22-cv-00055-REP

**DECLARATION OF BRIAN D. PENNY IN SUPPORT OF SUPPLEMENT TO CLASS
COUNSEL'S APPLICATION FOR AN AWARD OF ATTORNEYS' FEES AND
EXPENSES AND SERVICE AWARDS TO THE NAMED PLAINTIFFS**

I, Brian D. Penny, hereby declare as follows:

1. I am a partner in the law firm of Goldman Scarlato & Penny, P.C., one of four firms the Court appointed Class Counsel in the above-captioned action. In preparing this Declaration, I have consulted with my co-counsel who have also been appointed by the Court as Class Counsel on behalf of their respective law firms. Those attorneys include Stuart Davidson of Robbins Geller Rudman & Dowd LLP, Glen Abramson of Berger Montague, and Jonathan Petty of Phelan Petty (collectively “Co-Counsel”).

2. Attached hereto are true and correct copies of the following documents:

Exhibit A - Updated Time Report for Goldman Scarlato & Penny, PC

Exhibit B - Updated Time Report for Robbins Geller Rudman & Dowd, LLP

Exhibit C - Updated Time Report for Berger Montague

Exhibit D - Updated Time Report for Phelan Petty

3. I and each of my Co-Counsel who are submitting updated time reports independently verify that their firm’s time and expenses are taken from time and expense reports and supporting documentation prepared and/or maintained by their firms in the ordinary course of business and that they have reviewed these reports (and backup documentation where necessary or appropriate) to confirm both the accuracy of the entries as well as the necessity for, and reasonableness of, the time committed to this litigation.

4. As detailed in the attached updated time reports, the number of hours spent on this litigation by Class Counsel through November 10, 2022 is **3,518.40**. The combined lodestar for attorney/paraprofessional time based on each firm’s current rates is **\$1,954,683.50**.

5. Based on this updated lodestar, the requested attorneys’ fees cap of \$13 million, contingent on the amount of cash payments received by the Class, would result in a lodestar

multiple that would not exceed **6.7**. This multiple would compare very favorably to the 9.05 multiple awarded in *Skochin v. Genworth Fin., Inc.*, No. 3:19-cv-49-REP, 2020 WL 6536140, *10 (E.D. Va. Nov. 5, 2020)) and the 8.4 multiple awarded in *Halcom v. Genworth Life Ins. Co.*, No. 3:21-cv-00019-REP, 2022 WL 2317435, *13 (E.D. Va. June 28, 2022)).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this declaration was executed this 14th day of November, 2022.

/s/ Brian D. Penny

BRIAN D. PENNY

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2022 I filed the foregoing pleading or paper through the Court's CM/ECF system, which sent a notice of electronic filing to all registered users.

/s/ Jonathan M. Petty

Jonathan M. Petty (VSB No. 43100)

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